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8 Attorneys for Defendant GMRI, INC. d/b/a THE
OLIVE GARDEN ITALIAN RESTAURANT

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

13 | RACHEL W. KOVAR.

CASE NO. 2:20-cv-01819-JCM-BNW

14 | Plaintiffs,

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES**

16 GMRI, INC. d/b/a THE OLIVE GARDEN
17 ITALIAN RESTAURANT, a Florida foreign
corporation; DOE Individuals I through X;
18 and ROE Corporations and Organizations I
through V, inclusive.

19 Defendants.

21 COME NOW, Defendant GMRI, INC. d/b/a THE OLIVE GARDEN ITALIAN
22 RESTAURANT (“Defendant”) and Plaintiff RACHEL W. KOVAR (“Plaintiff”), by and through
23 their respective counsel of record, and pursuant to LR 6-1 and LR 26-3, hereby stipulate and
24 request that all current discovery deadlines in the above-captioned case be continued for a period
25 of ninety (90) days. In addition, the parties request that all other future deadlines contemplated by
26 the Scheduling Order be extended pursuant to Local Rule. In support of this Stipulation and
27 Request, the parties state as follows:

28 1. On September 30, 2020, Defendant filed its Petition for Removal regarding Eighth

1 Judicial District Court Case No. A-20-820490-C. [ECF No. 1]

2 2. On September 30, 2020, Defendant answered Plaintiff's Complaint in the federal
3 court action. [ECF No. 5]

4 3. On October 13, 2020, the parties conducted an initial FRCP 26(f) conference.

5 4. On October 16, 2020, Plaintiff served her FRCP 26 Initial Disclosures on
6 Defendant.

7 5. On October 27, 2020, Defendant served its FRCP 26 Initial Disclosures on
8 Plaintiff.

9 6. On October 27, 2020, the parties filed a Stipulated Discovery Plan and Scheduling
10 Order. [ECF No. 9]

11 7. On October 29, 2020, the parties submitted the Joint Status Report as ordered by
12 ECF No. 6. [ECF No. 10]

13 8. On November 3, 2020, Plaintiff served interrogatories and requests for production
14 of documents on Defendant.

15 9. On November 11, 2020, Defendant served interrogatories, requests for admissions,
16 and requests for production of documents on Plaintiff.

17 10. On November 12, 2020, the Court denied the parties' Discovery Plan and
18 Scheduling Order [ECF No. 9] and issued the currently operative Scheduling Order. [ECF No. 11]

19 11. On December 2, 2020, Defendant served its responses to Plaintiff's written
20 discovery requests.

21 12. On December 7, 2020, Plaintiff's counsel requested, and Defendant's counsel
22 agreed to, an extension for Plaintiff to respond to Defendant's written discovery requests.

23 13. On December 28, 2020, Plaintiff served her responses to Defendant's written
24 discovery requests.

25 **DISCOVERY REMAINING**

26 1. Plaintiff will take the deposition of Defendant's employee witness involved in the
27 subject accident.

- 1 2. Defendant will take the deposition of Plaintiff.
- 2 3. The parties will designate initial expert witnesses.
- 3 4. The parties will designate rebuttal expert witnesses.
- 4 5. The parties will take the depositions of the designated expert witnesses.
- 5 6. The parties will take the depositions of any and all other witnesses garnered
- 6 through discovery.
- 7 7. The parties will continue to gather relevant records.

WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED

9 Pursuant to Local Rule 26-3, the parties aver that good cause exists for the following
10 requested extension. This Request for an extension of time is not sought for any improper purpose
11 or other purpose of delay. Rather, it is sought by the parties solely for the purpose of allowing
12 sufficient time to conduct discovery. The parties are actively engaging in scheduling the
13 depositions of Plaintiff and Defendant's employee witness to the subject incident. Nonetheless, the
14 COVID-19 pandemic has slowed the parties' ability to streamline discovery.

15 Pursuant to the above, the parties have conferred and request an extension of the current
16 deadlines as they will not currently suffice for the logistics of this case.

EXTENSION OR MODIFICATION OF THE DISCOVERY PLAN AND
SCHEDULING ORDER

19 LR 26-3 governs extensions of the Discovery Plan and Scheduling Order. Any stipulation
20 or motion to extend or modify that Discovery Plan and Scheduling Order must be made no later
21 than twenty-one (21) days before the expiration of the subject deadline and must comply fully
22 with LR 26-3.

23 This is the first request for extension of time in this matter. The parties respectfully submit
24 that the reasons set forth above constitute compelling reasons for the extension.

25 The following is a list of the current discovery deadlines and the parties' proposed
26 extended deadlines:

27 / / /

1	Event	Current Deadline	Proposed Deadline
2	Expert Disclosure pursuant to FRCP 26(a)(2)	January 28, 2021	April 28, 2021
3	Rebuttal Expert Disclosure pursuant to FRCP 26(a)(2)	February 27, 2021	May 28, 2021
4	Discovery Cut-off	March 29, 2021	June 28, 2021
5	Dispositive Motions	April 28, 2021	July 27, 2021
6	Joint Pretrial Order	May 28, 2021	August 26, 2021

8 WHEREFORE, the parties respectfully request that all current discovery deadlines in the
 9 above-captioned case be continued for a period of ninety (90) days, as outlined in accordance with
 10 the table above.

11 DATED this 7th day of January, 2021.

12 LEWIS BRISBOIS BISGAARD & SMITH LLP

13 /s/Josh Cole Aicklen

14 JOSH COLE AICKLEN

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22 *Attorneys for Defendant*

23 GMRI, INC. d/b/a THE OLIVE GARDEN
ITALIAN RESTAURANT

24 ORDER

25 IT IS SO ORDERED

26 DATED: 3:50 pm, January 11, 2021

27 

28 BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE

10 DATED this 7th day of January, 2021.

11 O'REILLY LAW GROUP, LLC

12 /s/Timothy R. O'Reilly

13 TIMOTHY R. O'REILLY, ESQ.

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Attorneys for Plaintiff

RACHEL W. KOVAR

Abrante, Tina

From: Timothy R. O'Reilly <tor@oreillylawgroup.com>
Sent: Thursday, January 7, 2021 1:56 PM
To: Lanahan, Jennifer
Cc: Shpirt, Paul; Abrante, Tina; gchavez@gmk-law.com; Gerald Gillock; Tracie M. Jefcik
Subject: [EXT] RE: Rachel Kovar v. GMRI - Extending deadlines
Attachments: Kovar v. Olive Garden - SAO to Extend Discovery Deadlines (First Request).docx

Follow Up Flag: Follow up
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Categories: JENNIFER JENNIFER JENIFFER

External Email

You have permission to e-sign my name for the Plaintiffs.



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From: Lanahan, Jennifer <Jennifer.Lanahan@lewisbrisbois.com>
Sent: Thursday, January 7, 2021 10:49 AM
To: Timothy R. O'Reilly <tor@oreillylawgroup.com>
Cc: Shpirt, Paul <Paul.Shpirt@lewisbrisbois.com>; Abrante, Tina <Tina.Abrante@lewisbrisbois.com>; gchavez@gmk-law.com; Gerald Gillock <gillock@gmk-law.com>; Tracie M. Jefcik <TMJ@oreillylawgroup.com>
Subject: RE: Rachel Kovar v. GMRI - Extending deadlines
Importance: High

Counsel,

Pursuant to my earlier email, please see the proposed SAO to Extend Discovery Deadlines attached to this email for your review.

Jennifer



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From: Lanahan, Jennifer
Sent: Thursday, January 7, 2021 8:51 AM
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Cc: Shpirt, Paul <Paul.Shpirt@lewisbrisbois.com>; Abrante, Tina <Tina.Abrante@lewisbrisbois.com>; gchavez@gmk-law.com; Gerald Gillock <gilllock@gmk-law.com>; Tracie Jefcik <TJ1@oreillylawgroup.com>
Subject: Rachel Kovar v. GMRI - Extending deadlines

Good morning Timothy,

Would you be willing to stipulate to extend the discovery deadlines by 3 months? Initial expert disclosures are already coming up on 1/28, and I don't know that that gives us enough time. Let me know. Thanks!

Jennifer R. Lanahan
Attorney
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